

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EASTERN DIVISION

No. 05-10849RGS

HELEN RUNGE, Plaintiff v. WALTER J. KELLY, KERRY L. BLOOMINGDALE, M.D., and SUNBRIDGE NURSING AND REHABILITATION CENTER, Defendants
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**DEFENDANT WALTER J. KELLY'S PARTIAL MOTION TO DISMISS COUNT
XIV OF THE AMENDED COMPLAINT**

NOW COMES the Defendant, Walter J. Kelly, ("Kelly"), pursuant to Fed. R. Civ. P. 12(b)(6), and moves this Court to Dismiss Count XIV (Abuse of Process) of Plaintiff's Amended Complaint for failure to state a claim for which relief can be granted. As grounds in support of this motion, Defendant submits the accompanying Memorandum of Law.

WHEREFORE, the Defendant, Walter J. Kelly, requests that this Honorable Court grant his motion to dismiss Counts XIV Plaintiff's Amended Complaint.

The Defendant,

Walter J. Kelly,
By his attorneys,

s/ Michele Carlucci

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Dated: August 7, 2006

CERTIFICATE OF SERVICE

I, Michele Carlucci, certify that on August 7, 2006 I have served a copy of the forgoing to all counsel of record by first class mail and by electronic filing:

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